

**The Corporation of the City of Burlington**

**PARKS & RECREATION**

<p><b>Rec</b>                  Council Approved Sept. 2003                   Amendments Council Approved:                  Oct. 1. 2007</p>
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<p><b><u>ADMINISTRATIVE</u></b>  <b><u>POLICY &amp; PROCEDURES</u></b></p>	<p><b>FACILITIES &amp; PARKS</b></p>
	<p><b>ZERO TOLERANCE POLICY</b></p>

**Purpose:**

The City of Burlington’s recreational programs, facilities and properties exist to provide residents with opportunities to participate in sport, culture and recreational activities.

Participation in recreational activities is an important element in the human development process. The City of Burlington operates programs, facilities and properties that encourage such participation and is committed to ensuring the safety of patrons as well as staff.

As with other communities, many of Burlington’s community-based programs are managed and operated by volunteers. These community-minded citizens contribute greatly to the quality of life in Burlington. The City endeavours to ensure that they too, have the ability to volunteer in a safe and positive environment.

Therefore, the City through Parks & Recreation, ensures that measures are in place so that incidents of violence or inappropriate behaviour do not occur in its programs, facilities and properties.

Included in this commitment is an understanding that organizations and the general public using Parks & Recreation programs, facilities and properties must take primary responsibility for the behaviour of all associated with them: participants, officials, spectators, patrons, parents, etc.

**Scope:**

This Policy applies to all Parks & Recreation programs, facilities and properties and to all patrons and guests as well as activities that are structured (i.e. permit issued) and unstructured (i.e. no permit issued).

No form of vandalism, violence or indecency, including viewing, producing or exhibiting lewd, illegal or offensive materials is acceptable on properties, or in facilities.

For the purposes of this Policy, “vandalism” is defined as the

malicious, wilful, and deliberate destruction, damage or defacing of property owned or permitted through the Parks & Recreation Department. "Lewd, illegal or offensive materials" would include pornography, violent acts, indecency, hate, illegal gambling, profanity and material with text or imagery that has explicit or malicious intent.

### **Unacceptable Behaviour:**

- loud verbal assaults directed at participants, referees, members of the public and City staff deemed to be aggressive or intimidating or having the objective of inciting violence.
- threats and attempts to intimidate
- throwing of articles in a deliberate or aggressive manner
- aggressive approaches to another individual
- physical striking of another individual
- attempts to goad or incite violence in others
- vandalism to building or property owned or permitted through the Parks & Recreation Department
- racial or ethnic slurs
- illegal consumption of alcohol or drugs
- harassment
- viewing, producing or exhibiting lewd, illegal or offensive materials, either hard copy or using a wireless internet connection
- sending or receiving documents, websites or pages that contain lewd, illegal or offensive materials via internet
- Using technology devices to photograph images of patrons, volunteers or staff without their express written consent or knowledge or without the permission of City facility staff
- Hacking or other unauthorized access or attempts thereof
- Sending or creating viruses, worms and other invasive computer programs
- Invading or attempting to invade another person's privacy
- Illegal downloading or copying of software or data

### **Policy Statement:**

Burlington Parks & Recreation programs, facilities and properties are places that promote learning, leisure, and respect in a safe environment. All patrons, staff, volunteers and spectators have the right to be safe and to feel safe while attending a program, facility or property. They also have the right to expect that other patrons behave in a manner consistent with a public space, wherein use of wireless internet connections are not for the purposes of viewing producing or exhibiting lewd, illegal or offensive materials. With this right comes the responsibility to be accountable for actions/behaviour that put at risk the safety of others.

The City of Burlington will not tolerate indecency, violence or vandalism in its programs, facilities or properties and will take appropriate action where necessary to deal with these incidents.

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Goals of this Policy:	<ol style="list-style-type: none"> <li>1. Recognize and meet the needs of all Parks &amp; Recreation programs, facilities and properties to implement a Zero Tolerance Policy.</li> <li>2. To reduce or eliminate violence in Parks &amp; Recreation programs, facilities and properties including all indoor and outdoor venues.</li> <li>3. Increase the level of awareness to users regarding good behaviour and the importance of a positive and supportive environment.</li> <li>4. To implement a standard operating guideline for staff and users to follow.</li> <li>5. To ensure that wireless internet connections in Parks &amp; Recreation facilities are used in keeping with the respectful and decent tone of a public facility used by children and families.</li> </ol>
Outcomes of this Policy:	<ol style="list-style-type: none"> <li>1. To develop and recommend a Policy and Procedures that can be used in Parks &amp; Recreation programs, facilities and properties regarding Zero Tolerance.</li> <li>2. To provide a comfortable, respectful and safe environment for patrons and guests of the City's Parks &amp; Recreation programs, facilities and properties.</li> <li>3. To provide a comfortable, respectful and safe work environment for City staff and volunteers.</li> <li>4. To outline the process that will be taken to address vandalism, including recovery costs incurred to repair damages.</li> </ol>
General Rules of Procedure:	<ol style="list-style-type: none"> <li>1. Receive/ witness unacceptable behaviour</li> <li>2. Assess situation</li> <li>3. Address individual(s) in a courteous but firm manner</li> <li>4. Request co-operation and advise of next steps</li> <li>5. If no co-operation, enforce trespass action if necessary</li> <li>6. Contact police if necessary</li> <li>7. Advise authorized staff supervisor or on call supervisory personnel if necessary</li> <li>8. Prepare report, if required.</li> <li>9. Issue a letter of ban if necessary</li> <li>10. Appeal process.</li> </ol>
Implementation of Policy:	This Policy as amended will take effect for the City of Burlington on upon Council approval. Pending implementation, existing policies and practices will remain in effect and will continue to be enforced.
Key Personnel:	Parks & Recreation Staff, Roads and Parks Maintenance Staff.
Procedure:	<p><b>A      ENFORCEMENT OPTIONS</b></p> <p>In accordance with the Occupiers' Liability Act, the Occupational Health and Safety Act, the Trespass to Property Act, the Criminal Code, Municipal By-Laws and</p>

other Provincial Legislation, Parks & Recreation staff are authorized to provide enforcement options at a City facility if inappropriate behaviours or activities are observed or reported.

**When staff will act:**

- upon observation of any physical violence or vandalism
- upon observation of viewing, producing or exhibiting lewd, illegal or offensive materials, or on listening to discussion which may indicate the use of such materials
- upon observation of verbal abuse or threat
- at the request of a community group representative, who acting reasonably is unable to get co-operation from parents/coaches/spectators
- at the request of a community group or individual who, as part of their operations, are threatened, intimidated, or persistently disrupted for the purposes of inciting negative activity

**Requirements of Staff:**

- Upon observing physical violence:
  - assess situation to determine if Policy should be enacted
  - advise identified party, without jeopardizing one's safety, that they stop activity immediately
  - call Police and report individual(s)
  - advise authorized staff supervisor or on call supervisory personnel immediately
  - prepare incident report
  - incident to be reviewed by staff if action taken
  
- Upon reported actions by Community Group/Representative or Volunteer:
  - assess situation to determine if Policy should be enacted
  - advise identified party, without jeopardizing one's safety, to exit the property
  - if party does not co-operate inform identified party they are now trespassing and Police will be called
  - if individual refuses to leave, do not engage in argument or physical confrontation, leave and call the Police
  - advise authorized staff supervisor or on call supervisory personnel
  - prepare Incident Report
  - request full written report from community group/representative
  - prepare incident report
  - incident to be reviewed by staff if action taken
  
- Upon witnessing continued verbal abuse or activity:
  - assess situation to determine if Policy should be enacted
  - advise, without jeopardizing one's safety, that if the party

- o continues they will have to leave
  - o if party does not co-operate, inform the identified party, without jeopardizing one's safety, that they are now trespassing and Police will be called
  - o advise authorized staff supervisor or on call supervisory personnel
  - o if removing instigator (s) from property, request full written report from community group/representative after removal
  - o prepare incident report
  - o incident to be reviewed by staff if action taken
- Upon observing use or viewing, producing and exhibiting of lewd, illegal or offensive materials:
    - o assess situation to determine if Policy should be enacted
    - o advise identified party, without jeopardizing one's safety, that they stop activity immediately
    - o advise authorized staff supervisor or on call supervisory personnel immediately
    - o the supervisor will attempt to secure the individual's identity and to ascertain the purpose of their visit
    - o should the inappropriate activity continue, the supervisor will advise the identified party, without jeopardizing anyone's safety, to exit the property
    - o if the material is or may be deemed to be hate material or child pornography or other material that contravenes or may contravene the Criminal Code of Canada, the police will be called
    - o prepare incident report
    - o incident to be reviewed by staff if action taken

#### **Requirements of Users and Volunteers:**

- have a representative for each group or team on site
- have representatives understand the use of Policy
- advise, without jeopardizing one's safety, identified party they are contravening the Zero Tolerance Policy
- provide full written report related to incident
- notify City personnel of issues pertaining to the Policy

#### **B CONSEQUENCES:**

Individuals who engage in any unacceptable behaviour, as outlined in this document, may be subject to immediate ejection from the premises and if necessary, a suspension for a period of time not less than one month. The suspension may apply to all programs, facilities and properties, if warranted. Minimum periods have been established as guidelines (See Appendix A-2) and may be extended by the City's Director of Parks & Recreation or designate.

All incidents that result in a suspension or banning from programs,

facilities and properties will be followed-up in writing by the Parks & Recreation Department, outlining the details of the suspension. The final decision related to the details of the suspension or banning will be made by the Director of Parks & Recreation or designate.

Appropriate staff in facility sections and/or geographic areas will be notified of individuals who receive a ban from City properties and facilities.

**Staff will bring an incident to the attention of a community group if the individual(s), who is identified and suspended in accordance with this Policy, hold(s) a position within a community group.**

**Repercussions:**

- Instant ejection from facility upon request of supervisor
- Banning from programs/facilities/properties.
- Incidents may be reported to the Halton Regional Police Service or other authorities. Criminal charges may follow.

Where new information is available, a suspended individual may request reconsideration of the fact on which the suspension is based. Such request must be addressed to the Director of Parks & Recreation or designate, who will consider the new information and make his or her decision.

**NOTE:** There may be exceptions to the above IF:

- The participant does not have the ability to control his/her behaviour.
- The participant cannot understand his/her actions.
- The participant has special needs and cannot appreciate his/her actions and the impact it has on others.
- In the case of wireless internet connection, computer or other electronic device, that it can be shown that the person inadvertently allowed or mistakenly opened an inappropriate site, page or file in error
- Medical proof may be required.

**Where vandalism/theft has been perpetrated, not only will the individual(s) responsible be subject to suspension as outlined in the Procedure, they may also will be required to reimburse the City for all costs associated with any repairs as well as any lost revenues.**

**Appeal Process:**

An individual who has been suspended or banned from City programs, facilities and properties may appeal the decision. Appeals must be submitted, in writing, to the Director of Parks &

Recreation or designate, within 14 days of the decision. A \$200 non-refundable fee must accompany all appeals. If the fee is not received, the appeal will not be considered. The Director of Parks & Recreation or designate, in consultation with the Section Manager, will review appeals. The decision by the Director of Parks & Recreation or designate is final.

### **C PUBLIC EDUCATION & AWARENESS**

Burlington Parks & Recreation, with its community partners, will undertake a promotional and educational campaign aimed at raising awareness among parents, volunteers, spectators and patrons of the Zero Tolerance Policy and, in particular, the importance of their role in creating a positive atmosphere.

This component will include posters to be displayed in Parks & Recreation facilities and properties; circulation of the Policy to stakeholders; along with the inclusion of reference to the Policy in community organizations' newsletters/ handbooks. The Policy will be displayed in facilities and referenced in the Terms & Conditions stated on our permits.

It is anticipated that the education and promotional campaign will have an immediate impact. Staff will review promotional materials and work together with volunteer organizations to raise awareness of the Policy.

On an ongoing basis, staff will follow-up with representatives of organizations that have had a participant/parent, volunteer or staff impacted by this Policy, to review the process and resulting consequences to ensure the Policy is addressing inappropriate behaviour in an effective manner.

### **D STAFF EDUCATION & AWARENESS**

Staff will receive orientation information and the Zero Tolerance Policy will be an integral part of staff training sessions on an annual basis.

## ZERO TOLERANCE ENFORCEMENT GUIDELINES

*The following chart represents guidelines and outlines the consequences for acts of inappropriate behaviour in Parks & Recreation programs, facilities and properties. It is understood this does not include all types of behaviour, that each incident will be reviewed based on information available, and that consequences outlined below are guidelines may be adjusted to reflect conduct/actions. Consequences may be harsher if criminal convictions are involved.*

*Time banned is from all Parks & Recreation programs, facilities and properties of the City of Burlington.*

INCIDENT	CONSEQUENCES OF 1 <sup>st</sup> OCCURRENCE	CONSEQUENCES OF 2 <sup>st</sup> OCCURRENCE	CONSEQUENCES OF 3 <sup>rd</sup> OCCURRENCE	ANY SUBSEQUENT OCCURRENCES
<ul style="list-style-type: none"> <li>▪ Loud verbal assaults</li> </ul>	Minimum 1 month ban	Minimum 3 month ban	Minimum 1 year ban	Minimum 3 year ban and review to determine if further consequences are warranted.
<ul style="list-style-type: none"> <li>▪ Threats and attempts to intimidate</li> <li>▪ Aggressive approach to another individual</li> <li>▪ Attempts to goad or incite violence in others</li> </ul>	Minimum 3 month ban	Minimum 6 month ban	Minimum 2 year ban	Minimum 3 year ban and review to determine if further consequences are warranted.
<ul style="list-style-type: none"> <li>▪ Throwing of articles in a deliberate/aggressive manner</li> <li>▪ Physical striking of another individual</li> <li>▪ Vandalism to building or property/theft</li> <li>▪ Racial or ethnic slurs</li> <li>▪ Illegal consumption of alcohol or drugs</li> <li>▪ Harassment</li> </ul>	Minimum 6 month ban	Minimum 1 year ban	Minimum 3 year ban	Minimum 3 year ban and review to determine if further consequences are warranted.
<ul style="list-style-type: none"> <li>▪ Use of wireless internet</li> </ul>	Minimum 1 month ban	Minimum 3 month ban	Minimum 1 year ban	Minimum 3 year ban

